

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

Criminal No.)

1.)

FINAL ORDER OF FORFEITURE

WHEREAS, on September 27, 2012, a federal grand jury sitting in the District of Massachusetts returned a six-count Superseding Indictment charging defendant

(the Defendant), and others, with Conspiracy to Possess with Intent to Distribute and to Distribute Marijuana, in violation of 21 U.S.C. § 846 (Count One); Possession with Intent to Distribute Marijuana, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts Two and Four); Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h) (Count Three); Possession of a Firearm in Furtherance of a Drug Trafficking Offense, in violation of 18 U.S.C. §§ 924(c) and 2 (Count Five); and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) (Count Six);

WHEREAS, the Superseding Indictment contained a drug forfeiture allegation, pursuant to 21 U.S.C. § 853, which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of any offense alleged in Counts One, Two, Four, Five, and Six of the Superseding Indictment, (jointly and severally as to Count One) of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a



TO THE HONORABLE ATTORNEY GENERAL
WASHINGTON, D. C.
FROM THE
[Illegible Name]
[Illegible Address]
[Illegible City, State, Zip]
[Illegible Phone Number]
[Illegible Date]
[Illegible Subject Line]
[Illegible Body Text]
[Illegible Closing]
[Illegible Signature]

result of such offenses, and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, and the drug forfeiture allegation further listed numerous specific assets for forfeiture;

WHEREAS, the Superseding Indictment also contained a money laundering forfeiture allegation, pursuant to 18 U.S.C. § 982(a)(1), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of any offense alleged in Count Three of the Superseding Indictment, jointly and severally, of any property real or personal, involved in the offense, and any property traceable to such property, and the money laundering forfeiture allegation further listed numerous specific assets for forfeiture;

WHEREAS, the drug and money laundering forfeiture allegations of the Superseding Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 21 U.S.C. § 853(p), and the drug and money laundering forfeiture allegations also listed specific substitute assets for forfeiture;

WHEREAS, on March 13, 2014, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pled guilty to Counts One through Four of the Superseding Indictment pursuant to a written plea agreement that he signed on March 13, 2014;

WHEREAS, in Section 10 of the plea agreement, the Defendant agreed to forfeiture of the

following assets, all of which were specifically named for forfeiture in the Superseding Indictment:

- a. _____ dates currency seized from E: _____ at
number en _____
- b. _____ ed from _____ abber
endi _____
- c. _____ k account
number _____
- d. \$1 _____ dates currency seized from
account number ending in 5;
- e. one white 2010 Nissan _____ er
A. _____
- f. one grey 2 _____
- g. _____ riac

- h. the real property located at _____
F. _____, including all buildings, improvements, and
appurtenances thereon, more particularly described in a deed recorded at _____
- i. the real property located at 1 Barre Road, Phillipston, Massachusetts,
including all buildings, improvements, and appurtenances thereon, more
particularly described in a deed recorded at Book 49088, Pages 255-258,
at the Worcester District Registry of Deeds;
- j. the real property located at _____
Massachusetts, including all buildings, improvements, and appurtenances
thereon more particularly described in a deed recorded at _____,
at the Worcester District Registry of Deeds;
- k. the real property located at parcel number _____
_____ appurtenances thereon, more particularly described in a deed recorded at _____

WHEREAS, in addition, this Court ordered the Defendant to forfeit the Properties, pursuant to the terms of the Preliminary Order of Forfeiture;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on August 1, 2014 and ending on August 30, 2014;

WHEREAS, on October 6, 2014, _____ filed a Third Party Petition of Interest in the real property located _____;

WHEREAS, on December 19, 2014, the government entered into an Expedited Settlement Agreement with _____, which is attached as Exhibit A; and

WHEREAS, no other claims of interest in the Properties have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired;

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Properties, and they are hereby forfeited to the United States of America pursuant to 18 U.S.C. § 982(a)(1), 21 U.S.C. § 853 and Rule 32.2(c) of the Federal Rules of Criminal Procedure.

³ Counsel for _____ asks to withdraw the Third Party Petition of Interest filed on October 6, 2014 because _____ does not have a secured interest in the Property, and Counsel intends to file a Third Party Petition on behalf _____.

3. All other parties having any right, title or interest in the Properties are hereby held in default.

4. The United States Marshals Service is hereby authorized to dispose of the Properties in accordance with applicable law.

United States District Judge

Dated: January 30, 2015